

KAYE SCHOLER

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 3/4/10
---

Christopher T. Jagoe  
212 836-7800  
Fax 212 836-6327  
cjagoe@kayescholar.com  
425 Park Avenue  
New York, New York 10022-3598  
212 836-8000  
Fax 212 836-8689  
www.kayescholar.com

MEMO ENDORSED

March 4, 2010

SO ORDERED: DATE: 3/5/10

**VIA FACSIMILE**

Honorable Debra Freeman  
United States Magistrate Judge  
United States District Court for the  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street, Room 525  
New York, NY 10007

.....  
DEBRA FREEMAN  
UNITED STATES MAGISTRATE JUDGE

IMMEDIATE ATTENTION REQUESTED

Re: INVISTA S.à r.l. et al. v. E.I. du Pont de Nemours & Co., 08-CIV-7270

Dear Magistrate Judge Freeman:

As counsel for E.I. du Pont de Nemours & Co. ("DuPont") with Boies, Schiller & Flexner LLP, in the above-referenced matter, we write with regard to Your Honor's February 17, 2010 Order which, among other things, directed DuPont to make a further submission to the Court by Friday, March 5, 2010, if there are any documents that DuPont still believes should be entitled to the heightened protection afforded by the "Highly Confidential" designation. DuPont believes that such documents exist, but respectfully seeks a one-week extension of time, until March 12, 2010, to make its submission in this regard as directed by the Court. This is the first time we have requested an extension relating to this Order. We have asked opposing counsel to consent to this extension on two occasions, but as of the time of this writing they have not informed us of their position on such an extension. (See Exhibit). This request for an enlargement of time is made in good faith by counsel and not for the purpose of delay or other procedural advantage.

We have been working diligently to comply with all the directives in the Order. In response to the Order we produced on February 22, 2010, the eight documents compelled by the Court. In addition we have been reviewing the DuPont privilege log and expect to produce additional documents on March 5, 2010, consistent with the reasoning set forth in the Order. We are also in the process of amending the privilege log as directed by the Order and intend on serving an amended log no later than March 5, 2010. Compliance with these aspects of the Order has been a time-consuming process and the snow storms last week caused us to lose some considerable time. We therefore, respectfully seek a brief extension of time to March 12, 2010 to make our submission regarding documents that require heightened protection.

franked

**KAYE SCHOLER** LLP

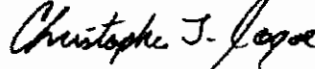
Honorable Debra Freeman

2

March 4, 2010

We appreciate the Court's consideration of this matter.

Respectfully submitted,



Christopher T. Jagoe

CC: Daniel L. Brockett, Esq. (via facsimile)  
Joseph D. Pizzurro, Esq. (via facsimile)  
Alanna Rutherford, Esq. (via e-mail)